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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,257	12/20/2001	Tomofumi Watanabe	10449-041001	8985

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EXAMINER	
HUBER, PAUL W	

ART UNIT	PAPER NUMBER
2653	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/027,257	WATANABE ET AL.	
	Examiner	Art Unit	
	Paul Huber	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-7,10-12,14-18 and 21* is/are rejected.

7)☒ Claim(s) *2,8,9,13,19 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 11, 12 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakajo (USP-6,781,937).

Regarding claim 1, Nakajo discloses a data recording device for recording data on an optical disc by irradiating a laser pulse on the optical disc while controlling rotation of the optical disc at a constant angular velocity. See figure 1 and col. 8, line 65 through col. 9, line 19. A laser condition varying unit 36 & 38 changes a peak value of the laser pulse in accordance with a value relating to a linear velocity of the optical disc at a position at which the laser pulse is irradiated. See col. 10, lines 4-37.

Regarding claims 3 & 14, the laser condition varying unit 36 & 38 changes a method for altering the peak value of the laser pulse in accordance with the type of optical disc. See col. 10, lines 23-37.

Regarding claims 4 & 15, the laser condition varying unit 36 & 38 receives a write strategy specifying value, i.e., recording speed (x1, x2, x4, x6 or the like), that contains information for altering the peak value of the laser pulse, from an external device, i.e., human operator. See col. 10, lines 5-8 and lines 23-37.

Regarding claims 5 & 16, see col. 10, lines 13-18.

Regarding claim 11, Nakajo further discloses a storage device 34 for storing a specifying value specifying at least one of a pulse timing and a pulse width of the laser pulse, wherein the specifying value is set in accordance with a linear velocity of the optical disc at a position at which the laser pulse is irradiated. See col. 10, lines 23-37.

Regarding claim 12, Nakajo further discloses a detection circuit 32 for reproducing the disc information of a spiral pregroove and detecting a value relating to a linear velocity of the optical disc at a position at which the laser pulse is irradiated in accordance with the reproduced disc information. See col. 10, lines 13-18 relating to an ATIP signal (absolute time in pregroove).

Claims 1, 3, 6, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Takada et al. (USP-5,848,043).

Regarding claims 1, 6 & 10, Takada et al. discloses a data recording device for recording data on an optical disc by irradiating a laser pulse on the optical disc while controlling rotation of the optical disc at a constant angular velocity, within a zone for example. See col. 4, line 66 through col. 5, line 3, and also col. 13, line 55 through col. 14, line 13. A laser condition varying unit generates a clock using a value relating to a linear velocity of the optical disc at a position at which the laser pulse is irradiated and for altering at least one of a pulse timing and a pulse width of the laser pulse based on the clock. See col. 5, lines 7-51.

Regarding claims 3 & 7, see Table 1 regarding Disc A and Disc B, for example.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 12, 14, 17, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada et al., as applied to the claims above, in further view of Nakajo (USP-6,504,806).

Takada et al. discloses the invention as claimed, but fails to specifically teach that a spiral pregroove for recording disc information is formed on the optical disc and that the value relating to the linear velocity of the optical

disc is detected in accordance with the reproduced disc information of the pregroove. However, Nakajo discloses an optical disk recording apparatus for controlling recording of data on an optical disc including a circuit for reproducing disc information of a pregroove, in the same field of endeavor, for the purpose of detecting a value relating to a linear velocity of the optical disc in accordance with the reproduced disc information. See col. 9, lines 12-20.

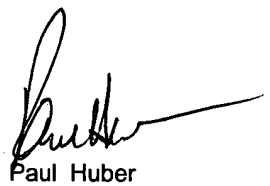
It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Takada et al. such that a spiral pregroove for recording disc information is formed on the optical disc and that the value relating to the linear velocity of the optical disc is detected in accordance with the reproduced disc information of the pregroove, as taught by Nakajo. A practitioner in the art would have been motivated to do this for the purpose of more reliably determining the linear velocity of the disc.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ito et al. discloses a recording/reproducing system.

Claims 2, 8, 9, 13, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: the prior art of record considered as a whole fails to further teach or suggest the limitations recited in either of the dependent claims 2, 8, 13 or 19.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-1549.



Paul Huber
Primary Examiner
Art Unit 2653

Ppwh
December 10, 2004